IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4633 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PRAKASHKUMAR BHIKHUBHAI PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR ANAND L SHARMA for the Petitioner.

MR DN PATEL for the Respondent.

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 01/05/2002

ORAL JUDGEMENT

Rule. Mr.N.J. Shah, for Mr.D.N. Patel, waives service of rule on behalf of the respondent.

With the consent of the parties, the matter is taken up for hearing today.

The petitioner is a passport holder. The petitioner's grievance is that in the original passport, his birth date is wrongly mentioned as 7.5.1978 in place of 7.5.1979. Similarly, in the passport, place of birth is shown as Kalwada, in place of `Vapi'. Therafter, the petitioner, made an oral representation to the authority on the ground that his correct birth date is 7.5.1979 and that his correct place of birth is Vapi. For this, the petitioner has relied upon the copy of the extract of the Birth Certificate.

The petitioner may submit a written representation to the respondent-authority within one week from today, with appropriate evidence.

Considering the facts and circumstances of the case, the Authority is directed to decide the application of the petitioner which will be submitted by him, as aforesaid. The Authority may decide the representation of the petitioner for correcting the birth date and place of birth in accordance with law and as per the Rules, and after considering the necessary evidence on record, may pass appropriate orders in accordance with law. From the evidence on record, if the Authority is satisfied that the grievance of the petitioner is justified and the correct birth date of the petitioner is 7.5.1979 and the place of birth is Vapi, then necessary orders correcting the entry may be passed and on that basis, corrected passport may be given to the petitioner. However, it is for the authority to appreciate the evidence and to pass appropriate order in accordance with law. The decision may be taken expeditiously and within a period of one week from the date of receipt of the aforesaid representation.

Since the petitioner at the initial stage has not taken care for giving appropriate birth date and place of birth, the petitioner is directed to pay costs of Rs.2,000/- to the authority. The said amount may deposited with the Authority within a period of two weeks from today.

The petition is accordingly allowed. Rule is made absolute to the aforesaid extent, with costs quantified as above.

Direct service is permitted.

1st May, 2002 (P.B. Majmudar, J.)

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(apj)